

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JAMES FRAZIER, JR.)	
)	Civil Action No. 12-1035
Plaintiff,)	
)	Judge Terrence F. McVerry
v.)	
)	
ERIC K. SHINSEKI, SECRETARY,)	(Electronically Filed)
DEPARTEMENT OF VETERANS)	
AFFAIRS,)	
)	
Defendant.)	

**MOTION FOR ENLARGEMENT OF TIME TO ANSWER,
PLEAD, OR OTHERWISE RESPOND TO AMENDED COMPLAINT**

Defendant, Eric K. Shinseki, Secretary, Department of Veterans Affairs, by his attorneys, David J. Hickton, United States Attorney for the Western District of Pennsylvania and Jennifer R. Andrade, Assistant United States Attorney, pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, respectfully moves the Court to issue an Order enlarging the time within which Defendant may answer, plead, or otherwise respond to Plaintiff's Amended Complaint (Docket No. 2) to August 30, 2013. In further support of this Motion, Defendant avers as follows:

1. While represented by counsel, Plaintiff commenced this action on July 24, 2012 alleging various claims in connection with his employment with the Department of Veterans Affairs including discrimination, retaliation, and intentional infliction of emotional distress, in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.* ("Title VII"), 42 U.S.C. § 1983, and Pennsylvania State law.

2. On October 1, 2012, proceeding *pro se*, Plaintiff filed an Amended Complaint asserting the same claims.

3. On June 20, 2013, following several months of litigation in connection with his attorney's motion to withdraw as counsel, and after receiving permission from this Court to continue proceeding *pro se*, Plaintiff served Defendant and the U.S. Attorney with a Summons and a copy of the Amended Complaint. See generally Docket Nos. 4-15, 17-18.

4. On June 26, 2013, the Court noted on the Docket that Defendant's response to Plaintiff's Amended Complaint is due on or before July 11, 2013. See Docket No. 17.

5. Pursuant to Rule 12(a)(2) of the Federal Rules of Civil Procedure, Defendant's response to the Amended Complaint is due on or before August 19, 2013. For this reason, Defendant respectfully requests additional time to answer, plead or otherwise respond to Plaintiff's Amended Complaint.

6. Further, Counsel for Defendant is awaiting additional information from the Department of Veterans Affairs which is necessary to formulate Defendant's response to the Amended Complaint.

7. Finally, due to Counsel for Defendant's present civil and criminal litigation demands, including previously scheduled work-related travel during July 23-26, 2013, additional time is needed to prepare Defendant's response to the Amended Complaint.

8. Defendant has not requested any previous extensions to respond to the Amended Complaint in this matter.

9. As Plaintiff is *pro se*, he has not been contacted regarding the within motion.

WHEREFORE, for the foregoing reasons, Defendant, Eric K. Shinseki, Secretary, Department of Veterans Affairs, respectfully requests that this Honorable Court issue an Order enlarging the time within which Defendant may answer, plead, or otherwise respond to Plaintiff's Amended Complaint to August 30, 2013.

A proposed Order is attached.

Respectfully submitted,

DAVID J. HICKTON
United States Attorney

s/Jennifer R. Andrade
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CERTIFICATE OF SERVICE

I hereby certify that on this day, a true and correct copy of the foregoing *Motion for Enlargement of Time to Answer, Plead, or Otherwise Respond to Plaintiff's Amended Complaint* was served via electronic filing and/or first-class mail upon the following:

James S. Frazier, Jr.
P.O. Box 224
McKeesport, PA 15134

Dated: July 8, 2013

s/ Jennifer R. Andrade
JENNIFER R. ANDRADE
Assistant U. S. Attorney